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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,068	04/26/2001	Richard D. Hoffman	AUS920010138US1	8481

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EXAMINER
CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/843,068</td><td>Applicant(s)
HOFFMAN ET AL.</td></tr>
<tr><td>Examiner
Joshua D. Campbell</td><td>Art Unit
2178</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 May 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Request for reconsideration filed

5/31/2006.

2.   Claims 1-18 are pending in this case. Claims 1, 4, 7, 10, 13, and 16 are

independent claims.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

4.   Claims 1-18 remain rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. The examiner can find no evidence in the specification of what the difference

between metadata information and metadata objects and the defined difference

between the two terms is essential to enable the claimed invention. Metadata is defined

as data for describing data, thus leading the examiner to believe metadata information

is nothing more than data for describing data, due to lack of a specific definition in the

specification. Metadata objects are defined by the applicants as "data for describing

data objects," (page 1, lines 7-8 of Applicant's specification) however it remains unclear

to the examiner what the defined difference between data and data objects is. The

common meaning of data object is a unit data, or in simpler terms data, and the

applicant has not set forth a more detailed definition of data object in the specification.

For this reason, there seems to be no definable difference between metadata

information and metadata objects, and without a defined difference of these terms the

claim(s) contains subject matter which was not described in the specification in such a

way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. In order to further prosecution the

examiner will interpret the metadata information and metadata objects as being data for

describing data and no further weight will be given to these terms when considering the

claimed limitations.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4, 7, 10, 13, and 16 remain rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter. All of these claims fail to

produce any sort of concrete and tangible result. Simply displaying on a document is in

no way considered to be a concrete and tangible result, and merely providing a

command that could trigger a result, without ever having the command being used does

not remedy that problem.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 1-18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over

Egilsson (US Patent Number 6,286,017, issued on September 4, 2001) in view of

Chester et al. (hereinafter Chester, "Mastering Excel 97 Fourth Edition," published in

1997).

Regarding independent claim 1, Egilsson discloses displaying a spreadsheet

that includes metadata information (Figure 5 and column 10, lines 50-64 and column 12,

line 34-column 14, line 65 of Egilsson). Egilsson does not disclose providing a

command to trigger a conversion of the spreadsheet into a comma separated value

(CSV) file. However, Chester discloses that it was common to allow the conversion of

spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text

Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 2, Egilsson discloses parsing the spreadsheet containing metadata information to generate metadata objects (Figure 5 and column 10, lines 50-64 and column 12, line 34-column 14, line 65 of Egilsson). Egilsson does not disclose first converting it into a CSV file. However, Chester discloses that it was common to allow the conversion of spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected Format" of Chester) and because of the ability to convert from CSV files to spreadsheet files and vice versa any functionality capable in a spreadsheet could be applied to a CSV file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Egilsson with the teachings of what is common practice in the art by Chester because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 3, Egilsson discloses that a computer receives user input of metadata information and inputs it into a spreadsheet (column 3, lines 3-23 of Egilsson).

Regarding independent claim 4, Egilsson discloses displaying a spreadsheet

that includes metadata information (input variables and output variables) and metadata

directives (manipulation variables) (Figure 5 and column 10, lines 50-64 and column 12,

line 34-column 14, line 65 of Egilsson). Egilsson does not disclose providing a

command to trigger a conversion of the spreadsheet into a comma separated value

(CSV) file. However, Chester discloses that it was common to allow the conversion of

spreadsheet files into CSV files and CSV files into spreadsheets (pages 737-738, "Text

Files with Delimiters" and pages 914-915, "To Save a File in a Selected Format" and

"To Open a File in a Selected Format" of Chester). It would have been obvious to one

of ordinary skill in the art at the time the invention was made to have combined the

methods of Egilsson with the teachings of what is common practice in the art by Chester

because it would have allowed easy import and export of files in a standard format.

Regarding dependent claim 5, Egilsson discloses parsing the spreadsheet

containing metadata information (input variables) to generate metadata objects

(resulting source code) based on metadata directives (manipulation variables) (Figure 5

and column 10, lines 50-64 and column 12, line 34-column 14, line 65 of Egilsson).

Egilsson does not disclose first converting it into a CSV file. However, Chester

discloses that it was common to allow the conversion of spreadsheet files into CSV files

and CSV files into spreadsheets (pages 737-738, "Text Files with Delimiters" and pages

914-915, "To Save a File in a Selected Format" and "To Open a File in a Selected

Format" of Chester) and because of the ability to convert from CSV files to spreadsheet

files and vice versa any functionality capable in a spreadsheet could be applied to a

CSV file. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have combined the methods of Egilsson with the teachings of

what is common practice in the art by Chester because it would have allowed easy

import and export of files in a standard format.

Regarding dependent claim 6, Egilsson discloses that a computer receives

user input of metadata information and metadata directives) and inputs it into a

spreadsheet (column 3, lines 3-23 of Egilsson).

Regarding independent claim 7 and dependent claims 8 and 9, the claims

incorporate substantially similar subject matter as claims 1-3. Thus, the claims are

rejected along the same rationale as claims 1-3.

Regarding independent claim 10 and dependent claims 11 and 12, the

claims incorporate substantially similar subject matter as claims 4-6. Thus, the claims

are rejected along the same rationale as claims 4-6.

Regarding independent claim 13 and dependent claims 14 and 15, the

claims incorporate substantially similar subject matter as claims 1-3. Thus, the claims

are rejected along the same rationale as claims 1-3.

Regarding independent claim 16 and dependent claims 17 and 18, the

claims incorporate substantially similar subject matter as claims 4-6. Thus, the claims

are rejected along the same rationale as claims 4-6.

Response to Arguments

9.   Applicant's arguments filed 5/31/2006 have been fully considered but they are
not persuasive.

Regarding applicant's arguments in reference to the 35 U.S.C. 112 rejection
found on pages 1 and 2, the examiner can find no evidence in the specification of what
the difference between metadata information and metadata objects and the defined
difference between the two terms is essential to enable the claimed invention. In the
arguments the applicant simply provided the location in the specification where the term
data object is defined, however in the rejection above the examiner already clearly
states that definition. In addition to that definition the examiner explains that there is no
clear differentiation between the terms metadata information and metadata objects.
Metadata is defined as data for describing data, thus leading the examiner to believe
metadata information is nothing more than data for describing data, due to lack of a
specific definition in the specification. Metadata objects are defined by the applicants as
"data for describing data objects," (page 1, lines 7-8 of Applicant's specification)
however it remains unclear to the examiner what the defined difference between data
and data objects is. The common meaning of data object is a unit data, or in simpler
terms data, and the applicant has not set forth a more detailed definition of data object
in the specification.

Regarding applicant's arguments in reference to the 35 U.S.C 101 rejection
found on page 2, the claims are rejected as being non-statutory because all of these
claims fail to produce any sort of concrete and tangible result. Simply displaying on a
document is in no way considered to be a concrete and tangible result, and merely

providing a command that could trigger a result, without ever having the command being used does not remedy that problem. The applicant has provided no evidence to the contrary in the arguments.

Regarding applicant's arguments in reference to the 35 U.S.C. 103(a) rejection found on pages 3 and 4, the examiner maintains that rejection is proper. The applicant argues that the combination of the two references would not have been warranted because the teachings of Chester would not have assisted the teachings of Egilsson. However Egilsson states, "Central to the present invention is the definition of an indication value system which allows **spreadsheet methodology** to be applied to an advanced functional language. The indication value system is an extremely practical invention since it **empowers the spreadsheet user to create general software applications without having to abandon the spreadsheet methodology.** It thus addresses the well known challenge of end-user empowerment in the creation of software components," (emphasis added, column 1, lines 38-46 of Egilsson) while Chester teaches that importing and exporting data in CSV (a file format used as a portable representation of tabular data, i.e. database or spreadsheet) allows data to be automatically placed in proper row/column format without user interaction (pages 737 and 738 of Chester), thus making it easier to import/export data within spreadsheet programs.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joshua D. Campbell whose telephone number is (571)

272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

JDC
July 28, 2006